

PLANNING COMMISSION MINUTES

February 16, 2010

7:00 pm

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Dave Badham, Michael Allen, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Ray Keller and Barbara Holt.

Clark Jenkins welcomed all those present.

Beth Holbrook made a motion to approve the minutes for February 2, 2010 as written. Dave Badham seconded the motion and voting was unanimous in favor.

1. Consider preliminary and final commercial site plan approval for 50 W. 400 S., Ron Robinson, applicant.

Ron Robinson, applicant, was present. Aric Jensen explained that Mr. Robinson is requesting preliminary and final site plan approval for a mixed commercial and residential site plan located at 50 West 400 South, in the Downtown (DN) zone.

Mr. Robinson owns a single family home on approximately 0.27 acres, and is in the process of constructing a detached accessory building in the rear yard. He would like to use part of the structure for his contracting/cabinetry business. The Downtown zone allows the mixing of commercial and residential uses on a single property. It requires that any such proposal receive site plan approval from the Planning Commission and City Council.

Mr. Jensen explained that on the proposed site plan and on the aerial photo/map, the subject property is located between two existing commercial properties. On the east is a credit union, and on the west there is a greenhouse/floral business.

The detached structure is approximately 2200 sq ft in size (46 x 32), and is located about halfway between the existing home and the rear property line. It is 1.5 stories in height (the second floor is located in the truss/rafters), and measures approximately 25 feet from the average exterior grade to the midpoint of the roof truss.

Mr. Jensen explained that the current parking configuration is based on the assumption Mr. Robinson will continue to live in the home and use both the home and the detached structure solely for the operation of his cabinetry/contractor business. If at some point this arrangement changes, Mr. Robinson (or his successor), would need to construct the future parking area indicated by dashed lines on the site plan.

The proposed site plan shows two driveways – a 15’ wide driveway on the west, and a 10’ wide driveway on the east. The minimum driveway width for a commercial driveway is 15’, and so the 10’ driveway is not permitted.

Staff recommends preliminary and final site plan approval for the mixed residential and commercial property located at 50 West 400 South, with the following conditions:

1. The landscaping plan and landscaping be completed to the satisfaction of the Planning Director prior to final occupancy approval.
2. The redline corrections be made to the site plan, including eliminating the proposed 10’ wide driveway on the east side of the property
3. The “Future Parking Area” indicated by dashed lines on the site plan be constructed if Mr. Robinson (or his successor) ceases to live in the home and/or use both the home and the detached structure solely for the operation of his cabinetry/contractor business.

Ron Robinson explained that he has submitted the requested changes to his engineer and will submit that as soon as he receives it. The upstairs of the garage will be used for his business office and the lower floor will be used for his cabinetry business and personal use.

There was a brief discussion between the Commission and the applicant. Beth Holbrook made a motion to recommend to the City Council preliminary and final commercial and residential site plan approval subject to the conditions outlined by Staff. Tom Smith seconded the motion and voting was unanimous in favor.

2. **PUBLIC HEARING – Continued from February 2, 2010 – Consider approving or disapproving a zone map amendment from Residential Foothill (R-F) to Residential Foothill Planned Unit Development (R-F-PDO) located at approximately 1200 E. Highland Oaks Dr., Autumn Wood Development, applicant.**

Clark Jenkins explained that the public hearing is open and has been continued from the 2/2/2010 meeting for those with comments and concerns.

Aric Jensen chose not to review the printed Staff report at this time, and Chairman Jenkins allowed public comment to commence. The following is a summary of that written report.

At the previous Planning Commission public hearing several members of the public spoke and raised issues regarding the proposal. One of the issues raised was the existence of a “Reservation Easement” the supposedly encumbers part of the property. Since this rezone would effectively vest the applicant with certain rights based on a specific plan, it is necessary that any potential claims on the property be identified and resolved prior to the Commission taking action.

Another issue raised was the potential traffic impact of this development. The City Engineer has estimated the number of vehicle trips per day that this development would generate and determined that it fall well below the minimum, threshold necessary to require a traffic impact study.

Most of the other issues raised, such as the location of springs, geotechnical stability, cuts and fills, etc., ate more property addressed during the subdivision approval process.

Russell Mahan, City Attorney, stated that Victor Orvis has been invited to explain the easement document that he presented at the previous meeting.

Mr. Orvis stated that the document is self explanatory, and the he misspoke at the previous meeting. Mr. Orvis's request was that the easement be acknowledged in the minutes, and not recorded on the future plat. Mr. Orvis feels that this is an issue between two property owners, not the City.

Mr. Mahan explained that the reservation of easement is a very unclear document. The legal theory, how it affects the subject property or the adjoining property is very unclear. Mr. Mahan would like to talk with the attorney representing Mr. Orvis.

Mr. Mahan continued to explain to Mr. Orvis that the City has an interest in the reservation easement because it is located on the property that is part of the rezone and everything has to be worked out before the approval.

Pete Gilward, representing the developers, explained that they are proposing a land use configuration that meets their needs. If the adjacent property owner has an easement to provide a future access through the property, that easement will be subject to their layout. The adjacent property owner will have to prove that they can tie into the proposed development. Mr. Gilward would like to move forward with the development.

Mr. Mahan suggested to Mr. Orvis that he include the City in any decisions made in regards to the proposed easement. Mr. Mahan would like to meet with the lawyer Mr. Orvis has retained.

Mr. Jenkins restated that the public hearing is open for all those with comments and concerns.

The following individuals spoke with comments and concerns:

Victor Orvis, residing at 305 Summerwood Dr.
Tom Gyuro, residing at 3929 Mountain Oaks Dr.
John Robertson, residing at Highland Oaks Dr.
Cory Chapman, residing at 2338 Ridgewood Dr.

Misty Larsen, residing at 1292 Canyon Creek Dr.

Lisa Serio, residing at 4067 Mountain Oaks Dr.

Their comments were as follows:

- Safety issues with spring water drainage
- Clustering of homes will not fit in the neighborhood
- The project is too dense and the homes are not large enough for the surrounding neighborhood
- Concerns with storm drainage
- Concerns about trail access
- This development will not fit in with the surrounding area.
- Home and property values will decrease

There was a discussion regarding all of the above issues and concerns regarding the economics of the project.

Mr. Mahan suggested keeping the public hearing opened in order to discuss in detail the specifics of the zone change. The developers need to establish a map with all trails, roads, water lines, water drainage etc., so an ordinance can be made before approval of the rezone.

Paul Rowland presented to the developers a preliminary breakdown of the development improvement costs.

Clark Jenkins made a motion to continue the public hearing to 3-16-2010 to allow further discussion. Beth Holbrook seconded the motion and voting was unanimous in favor.

Meeting adjourned at 8:30 pm

